



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 17, 2022

BY ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: ***United States v. Lawrence Ray,***
S2 20 Cr. 110 (LJL)

Dear Judge Liman:

The Government writes in response to the Court's order of March 16, 2022, directing the Government to respond to the defendant's motion to compel the production of materials over which Ms. Rosario has asserted privilege.

Based on the communications from Ms. Rosario's counsel, the Government believes there is a legitimate claim of privilege. The Government expects that counsel for Ms. Rosario, as the privilegeholder, will provide additional information regarding the assertion of privilege and the efforts to clawback inadvertently produced materials from the Hulu production team. The Government has segregated the materials over which Ms. Rosario has asserted privilege and is prepared to produce them to defense counsel should the Court direct it to do so.

For purposes of clarification, the Government wishes to make clear the timeline of its disclosures to the defense. The Government learned of Ms. Rosario's participation in the Hulu documentary production on March 8, 2022, and disclosed notes of its conversations with Ms. Rosario's counsel on the same day. *See* 3508-67; 3508-068. As reflected in its notes from the March 8, 2022 conversations, the Government learned from Ms. Rosario's counsel that Ms. Rosario had participated in formal interviews for the documentary and had also created audio and video recordings that she provided to the Hulu production team. *See* 3508-67 at 2. The Government received additional information from Ms. Rosario's counsel on March 12, 2022, including that Ms. Rosario had created and provided to the production team more audio and video recordings than she had initially remembered and recounted. *See* 3508-069 at 1. The Government disclosed notes of its communications to defense counsel on March 12, 2022. *See* 3508-069; 3508-070; 3508-071.

The Government learned that Ms. Rosario did not have any footage or transcripts of her formal interviews, but did retain copies of the audio and video recordings that she created and

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provided to the Hulu production team. The Government requested that Ms. Rosario's counsel gather and produce those materials. The Government produced those materials to defense counsel on March 15 and March 16, 2022, withholding the nine audio files over which Ms. Rosario's counsel asserted privilege and which have been segregated.

Respectfully submitted,

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cc: Defense Counsel (by ECF)